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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/540,127 | 12/14/2005 | Ikushi Yoda | 274125US2PCT | 1081 |
| 22850 7590 05/13/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | | |
| EXAMINER ANYIKIRE, CHIKAO DILLIE | | | | |
| ART UNIT 2621 | | PAPER NUMBER | | |
| NOTIFICATION DATE 05/13/2010 | | DELIVERY MODE ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/540,127

Applicant(s)

YODA ET AL.

Examiner

CHIKAODILI E. ANYIKIRE

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-16, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-16 is/are allowed.
- 6) ☒ Claim(s) 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____

DETAILED ACTION

1. This application is responsive to application number (10540127) filed on December 17, 2003. Claims 1-19 are pending and have been examined.

Information Disclosure Statement

2. Acknowledgement is made of applicant's information disclosure statement.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 18 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (JP 2002-259989, hereafter Watanabe) in view of Eshelman et al (US 6,611,206).

As per **claim 18**, Watanabe discloses an interface apparatus comprising:

(a) image processing means for picking up images of the interior of an indoor space with a plurality of stereo cameras (Fig 1 element 11; paragraph [0016]), and producing a distance image based on the picked up images within the visual field and an indoor coordinate system on a camera-by-camera basis (paragraph [0023] lines 1 - 8);

(b) positional-posture and arm-pointing recognition means for extracting the positional posture and arm pointing of a user from the distance information from the stereo cameras (paragraph [0023] lines 1-8; Watanabe discloses doing an extraction of the face and hand based on the estimation results for the face); and

(c) pointing-action recognition means for determining, when arm pointing by the user has been identified, whether or not the arm pointing is a pointing action, from the pointing direction and the motion of the arm (paragraph [0023] lines 8 – 10; Watanabe discloses the hand direction being computed based on three-dimensional information with regards to the hand and face area in space with regards to the pointing direction);

wherein a specified area in the indoor space is registered in advance,

. with a periphery of a head part on a nursing bed being set as the specified area, wherein when a user is present in the specified area, the arm pointing of the user is identified (paragraph [0023] and [0031]; Watanabe discloses the system works in an

indoor space and that the system is registered to a memory storage device where a hand is recognized and computed).

However, Watanabe does not teach with a periphery of a head part on a nursing bed.

In the same field of endeavor, Eshelman teaches a periphery of a head part on a nursing bed (column 12 lines 47 – 57).

Therefore, it would have been for one having skill in the art at the time of the invention to modify the invention of Watanabe in view of Eshelman. Eshelman suggest an obvious modification to the embodiment of the system in order to constantly check attributes of a person lying in bed.

As per **claim 19**, Eshelman teaches the interface apparatus according to claim 18, wherein with the periphery of the head part on the nursing bed being set as a specified area, when no user is present in the specified area, whether the user is in a standing, stilling, or lying posture is determined and then arm pointing is identified for respective postures (column 12 lines 47 – 57).

Allowable Subject Matter

6. Claims 5-16 allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIKAODILI E. ANYIKIRE whose telephone number is (571)270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272 - 7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Chikaodili Anyikire/
Patent Examiner AU 2621